

REMARKS

Claims 1-11 and 18-24 are pending in Application No. 10/530,609 filed on October 19, 2005. Claims 12-17 were withdrawn by Applicant in its Response “A” filed on June 4, 2007. A second non-final Office Action was mailed on August 9, 2007.

In the second Office Action, the Examiner objected to the title of the invention in the specification. The Examiner also rejected Claims 1-11 and 18-24.

More particularly, the Examiner objected to the specification because the title of the invention in the specification referred to the withdrawn claims. The Examiner rejected Claims 2, 3, 5 and 18-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner also rejected Claims 1-4, 11, 21 and 24 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Design No. 379,670 to Karanikas (“the Karanikas ‘670 Design Patent”). The Examiner further rejected Claims 1-5, 7, 9-11 and 18-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,470,623 to Lucas (“the Lucas ‘623 Patent”). The Examiner even further rejected Claims 5-9, 18-20 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Karanikas ‘670 Design Patent. The Examiner yet even further rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over either the Karanikas ‘670 Design Patent or the Lucas ‘623 Patent, and further in view of U.S. Patent No. 6,643,667 to Brown (“the Brown ‘667 Patent”).

Applicant has amended the title of the invention in the specification and has amended Claim 1 to incorporate the limitations previously set forth in Claims 11 and 24 and also to more particularly point out and distinctly claim Applicant’s invention. Basis for the amendment to Claim 1 is found in the specification at least at: page 13, lines 16-24. Claims 2, 3 and 5 have

been amended for purposes of clarity and to maintain consistency throughout the claims.

Applicant has cancelled Claims 11 and 24.

Based on the amendments and the arguments set forth below, Applicant respectfully submits that Claims 1-10 and 18-23 are now in condition for allowance.

OBJECTION TO THE SPECIFICATION

The Examiner objected to the title of the invention in the specification because it referred to the non-elected claims. Applicant has amended the title of the invention by deleting the previous title “METHODS FOR MAKING COMPOSITE TILES” and replacing it with “ARRANGEMENT OF TILES HAVING BACKING LAYERS AND METHOD OF INSTALLATION THEREOF”. Based upon the foregoing amendment, Applicant respectfully submits that the Examiner’s objection to the title of the invention in the specification should now be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112

The Examiner rejected Claims 2, 3, 5 and 18-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, Claims 2 and 3 were rejected by the Examiner because the phrase “respective edges” is indefinite because it lacks antecedent basis and makes the scope of the claim unclear. Applicant has amended Claims 2 and 3 to remove the word “respective” from each of those claims. Applicant respectfully submits that Claims 2 and 3 are now in condition for allowance.

Claim 5 was rejected by the Examiner because “spigot-like” is a relative term which renders the claim indefinite. Applicant has amended Claim 5 to remove the words “spigot-like” and “socket-like”. Applicant respectfully submits that Claim 5 is now in condition for allowance.

Process Claim 18, which depends from product Claim 1, and Claims 19 and 20 which depend from Claim 18 were rejected by the Examiner because Claim 18 recites a plurality of tiles whereas Claim 1 is directed to a single tile. Applicant has amended Claim 1 such that it now recites in relevant part “An arrangement of a plurality of tiles for a paving structure...”. It is believed that Claim 18, and Claims 19 and 20 which depend directly therefrom, are now consistent with newly amended Claim 1 as all the claims refer to tiles in the plural. Based on the foregoing, Applicant respectfully submits that Claims 18-20 are now in condition for allowance.

REJECTIONS UNDER 35 U.S.C. §102(b)

The Examiner rejected Claims 1-4, 11, 21 and 24 under 35 U.S.C. §102(b) as being anticipated by the Karanikas ‘670 Design Patent. Applicant has cancelled Claims 11 and 24. Applicant has amended independent Claim 1 to recite in relevant part “An arrangement of a plurality of tiles for a paving structure, each of said tiles comprising:...”. The Karanikas ‘670 Design Patent does not disclose an arrangement of a plurality of tiles as recited in Claim 1. Moreover, Applicant has also amended independent Claim 1 to recite in relevant part that “...said stone elements being randomly arranged on said backing layer or base and being embedded into said backing layer or base...”. It is clear that the Karanikas ‘670 Design Patent does not disclose stone elements that are embedded into the backing layer or base as recited in newly amended independent Claim 1. As a result, Applicant respectfully submits that the

Karanikas '670 Design Patent does not disclose each and every element set forth in Claim 1, and therefore, the rejection is unsupported by the art and should be withdrawn.

Based on the foregoing, Applicant respectfully submits that Claim 1 is in condition for allowance. Because Claims 2-4 and 21 depend directly from allowable newly amended Claim 1, they too are in condition for allowance.

REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner rejected Claims 1-5, 7, 9-11 and 18-24 under 35 U.S.C. 103(a) as being unpatentable over the Lucas '623 Patent. Applicant has cancelled Claims 11 and 24. In addition, Applicant has amended independent Claim 1 to recite in relevant part "An arrangement of a plurality of tiles for a paving structure, each of said tiles comprising:...said backing layer or base being in interlocking abutting relationship with the backing layer or base of adjacent tiles of said arrangement..." The Lucas '623 Patent does not teach or even suggest an arrangement of tiles whereby the backing layers of adjacent tiles have an interlocking abutting relationship, as set forth in Claim 1. In the Lucas '623 Patent the panels are assembled by juxtaposing them "...either edge to edge or head to foot...". Lucas '623 Patent at Column 2, lines 30-31. Such an arrangement does not teach or even suggest that the edges of abutting panels would be interlocking in any manner. Moreover, Applicant has amended independent Claim 1 to recite "...said stone elements being randomly arranged on said backing layer or base and being embedded into said backing layer or base...". The Lucas '623 Patent does not teach or even suggest that the stone elements can be embedded into a backing layer, as recited in newly amended Claim 1. As a result, Applicant respectfully submits that the Lucas '623 Patent does

not teach or even suggest the invention set forth in newly amended Claim 1, and therefore, the rejection is unsupported by the art and should be withdrawn.

Based on the foregoing, Applicant respectfully submits that Claim 1 is in condition for allowance. Because Claims 2-5, 7, 9-10, and 18-23 depend directly or indirectly from allowable newly amended Claim 1, they too are in condition for allowance.

The Examiner rejected Claims 5-9, 18-20 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Karanikas '670 Design Patent. Claims 5-9, 18-20 and 23 all depend either directly or indirectly from newly amended independent Claim 1. As discussed above, Applicant has amended independent Claim 1 to recite "An arrangement of a plurality of tiles for a paving structure, each of said tiles comprising:...". The Karanikas '670 Design Patent does not teach or even suggest an arrangement of a plurality of tiles as recited in Claim 1. Moreover, Applicant has also amended independent Claim 1 to recite in relevant part that "...said stone elements being randomly arranged on said backing layer or base and being embedded into said backing layer or base...". It is clear that the Karanikas '670 Design Patent also does not teach or even suggest stone elements that are embedded into the backing layer or base as recited in newly amended independent Claim 1. As a result, Applicant respectfully submits that the Karanikas '670 Design Patent does not teach or even suggest the invention set forth in Claim 1. Because Claims 5-9, 18-20 and 23 depend either directly or indirectly from amended Claim 1, the rejection is unsupported by the art and should be withdrawn.

Based on the foregoing, Applicant respectfully submits that Claims 1, 5-9, 18-20 and 23 are in condition for allowance.

The Examiner rejected Claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over either the Karanikas '670 Design Patent or the Lucas '623 Patent, and further in view of the

Brown '667 Patent. Claims 2 and 3 both depend directly from independent Claim 1. Based on the arguments set forth above, Applicant respectfully submits that neither the Karanikas '670 Design Patent nor the Lucas '623 Patent teach or even suggest the invention set forth in newly amended independent Claim 1. Therefore, the rejection is unsupported by the art and should be withdrawn.

Based on the foregoing, Applicant respectfully submits that Claim 1 is in condition for allowance. Because Claims 2 and 3 depend directly from allowable Claim 1, they too are in condition for allowance.

Because independent Claim 1 is believed to be allowable, each of the Claims 2-10 and 18-23 dependent, either directly or indirectly, therefrom, also are believed to be allowable.

In view of the above, it is submitted that the claims now are in condition for allowance, and reconsideration of the rejections and objections is respectfully requested and allowance of Claims 1-10 and 18-23 at an early date is hereby respectfully solicited.

Respectfully submitted,

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